UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,321	01/04/2002	Orell Dror	ORELL2	2018

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EXAMINER
BENGZON, GREG C

ART UNIT	PAPER NUMBER
2144	

MAIL DATE	DELIVERY MODE
09/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/035,321	DROR ET AL.
	Examiner	Art Unit
	Greg Bengzon	2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>4</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-17,19-28 and 30-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-17,19-28,30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This application has been examined. Claims 1-7,9-17,19-28,30-32 are pending.

Claims 8, 18, 29 are cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

07/09/2007 has been entered.

Priority

The effective date of the subject matter in the claims in this application is January

4, 2002.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 11-17, 22-28, 32 rejected under 35 U.S.C. 103(a) as being

unpatentable over Tso et al. (US Patent 6421733) in view of Mason (US Patent

7089330).

Tso disclosed (re. Claim 1,11,22)   receiving a request from a client to a server

via a network in accordance with a Hypertext Transfer Protocol (HTTP) to stream a

certain portion of a media file of a given type; (Tso-Column 3 Lines 10-15) passing the

request to a servlet running in conjunction with the server; (Tso-Column 3 Lines 10-15)

parsing the request using the servlet to select, responsively to the request, elements of

the media file (Tso-Column 12 Lines 60-65) to be transferred to the client   and

streaming the identified elements from the server to the client as a HTTP

response.(Tso-Column 3 Lines 10-15)

While Tso substantially disclosed the invention, including dynamically loaded

transcoding service modules using open software architecture (Tso-Column 4 Lines 20-

30) Tso did not disclose (re. Claim 1,11,22)   *wherein the servlet is a platform-*

independent class that is compiled to platform-neutral bytecode and is loaded

dynamically into and run by the server;

Mason disclosed (re. Claim 1,11,22)   _wherein the servlet is a platform-_

independent class that is compiled to platform-neutral bytecode and is loaded

dynamically into and run by the server; (Mason-Column 8 Lines 45-55)

Tso and Mason are analogous art because they present concepts and practices

regarding transformation of web content. At the time of the invention it would have been

obvious to combine Mason into Tso. The motivation for said combination would have

been to enable web pages to incorporate custom tags and benefit from advantages of

said custom tags. (Mason - Column 2 Lines 50-60).

Tso-Mason disclosed (re. Claim 2,12,23) wherein parsing the request comprises

determining a processing action to be applied to the elements of the media file, (Tso-

Column 2 Lines 45-50,Column 12 Lines 60-65) and wherein streaming the identified

elements comprises applying the processing action to the elements.

Tso-Mason disclosed (re. Claim 3,13,24) wherein parsing the request comprises

determining a parameter applicable to the processing action (Tso-Column 5 Lines 35-

40, Column 6 Lines 35-40), and wherein applying the processing action comprises

processing the elements of the media file responsive to the parameter.

Tso-Mason disclosed (re. Claim 4,14,25) wherein determining the parameter comprises determining a limitation on a media playing capability of the client, (Tso-Column 7 Lines 20-25) and wherein the processing action comprises modifying the identified elements in response to the limitation;

Tso-Mason disclosed (re. Claim 5,15,26) wherein determining the limitation comprises identifying a network bandwidth, (Tso- Column 7 Lines 35-40) and wherein modifying the identified elements in response to the limitation comprises altering the elements responsive to the network bandwidth;

Tso-Mason disclosed (re. Claim 6,16,27) wherein determining the limitation comprises determining a resource level provided by the client, (Tso-Column 7 Lines 20-25) and wherein modifying the identified elements comprises selecting the identified elements responsive to the resource level;

Tso-Mason disclosed (re. Claim 7,17,28) wherein applying the processing action comprises transcoding (Tso-Column 7 Lines 20-25) at least one of the elements of the media file into a desired media format;

Tso-Mason disclosed (re. Claim 32) wherein the servlet comprises a subset of the instructions, and the subset of the instructions comprises instructions written in a platform-independent, object-oriented computer language. (Tso-Column 3 Lines 15-20, Column 4 Lines 20-25, Column 10 Lines 55-60)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-10, 19-21, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (US Patent 6421733) in view of Mason (US Patent 7089330) further in view of Kalra et al. (US Patent 6490627) hereinafter referred to as Kalra.

Tso-Mason did not disclose (re. Claim 9,19,30) wherein the elements of the media file comprise an ordered sequence of frames, and wherein selecting the elements comprises selecting a segment within the sequence.

Kalra disclosed several of the claim limitations as Tso such as determining a limitation on a media playing capability of the client and transcoding (Kalra- Column 19 Lines 50-55) at least one of the elements of the media file into a desired media format.

In addition, Kalra disclosed (re. Claim 9,19,30) wherein the elements of the media file comprise an ordered sequence of frames,(Kalra- Column 10 Lines 25-30 and wherein selecting the elements comprises selecting a segment within the sequence. (Kalra-Column 5 Lines 15-20)

Tso,Mason and Kalra are analogous art because they present concepts and practices regarding transcoding web content. At the time of the invention it would have been obvious to combine Kalra into Tso-Mason. The motivation for said combination would have been, as Kalra suggests (Kalra- Column 1 Lines 25-30), to provide compact and distortion-free streaming media that is matched to the computational power available.

Tso-Mason-Kalra disclosed (re. Claim 10,20,31) wherein the elements of the media file comprises a plurality of media tracks temporally juxtaposed in parallel (Kalra-Figure 2B), and wherein selecting the elements comprises selecting, one or more of the tracks (Kalra – Column 16 Lines 15-20);

Tso-Mason-Kalra disclosed (re. Claim 21) wherein the server comprises a cluster of servers, arranged so that the HTTP request is handled by one of the servers in the cluster, and the servlet is run on a different one of the servers in the cluster. (Kalra-Figures 13,14)

Response to Arguments

Applicant's arguments filed 07/09/2007 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [*in italics*]:

Mason, in other words, describes a very specific use of a servlet in transforming certain kinds of tags. He makes no mention of media files, or of parsing or selecting portions of files using a servlet, as recited in the claims of the present patent application

The Examiner respectfully disagrees with the Applicant. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

The Examiner notes that Mason is not relied upon to disclose *parsing media files.* Tso disclosed transcoding by adding, modifying, or deleting data (Column 2 Lines 45-50) according to predefined user selection criterion including content characteristics, data type, and language (Column 7 Lines 30-45), said transcoding performed before rendering content to the client.

Mason is relied upon to disclose transformation of files and web content using a Java servlet (Mason-Column 8 Lines 45-55), where the files 24 may include any

appropriate files that may be communicated to browser 12 or that may be used to create content for communication to browser. (Mason- Column 3 Lines 55-60).

Thus the combination of Tso-Mason disclosed *of parsing or selecting portions of files using a servlet.*

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
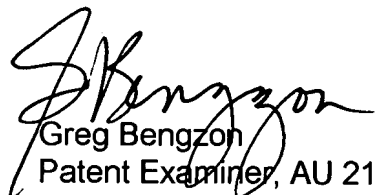
In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Greg Bengzon/
Patent Examiner, AU 2144